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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/367,261	08/10/2001	David Blake	39-187	4136

7590 12/21/2005
Nixon & Vanderhye
8th Floor
1100 North Glebe Road
Arlington, VA 22201-4714

EXAMINER

DENTZ, BERNARD I

ART UNIT PAPER NUMBER

1625

DATE MAILED: 12/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/367,261	Applicant(s) BLAKE ET AL.	
	Examiner Bernard Dentz	Art Unit 1625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-25 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Art Unit: 1625

This application contains claims directed to more than one species of the generic invention. These species are deemed to lack unity of invention because they are not so linked as to form a single general inventive concept under PCT Rule 13.1.

The species are as follows:

The species are those specific compounds synthesized in the specification.

Applicant is required, in reply to this action, to elect a single species to which the claims shall be restricted if no generic claim is finally held to be allowable. The reply must also identify the claims readable on the elected species, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

All of the claims are generic.

The species listed above do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, the species lack the same or corresponding special technical features for the following reasons: The broadly claimed bio-reductive conjugates appear to be anticipated by Mehta et al, cited by applicants. Thus the presumption of a special technical feature lending unity to applicants many species is overcome.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bernard Dentz whose telephone number is 571-272-0683. The examiner can normally be reached on Mon-Fri from 8 to 4:30.

Art Unit: 1625

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cecilia Tsang, can be reached on 571 272-0562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dentz

11-5-2005

B. Dentz
B. Dentz
Primary Examiner
A.U. 1625



FEB 25 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
www.uspto.gov

Mary J. Wilson
1100 North Glebe Road, 8th Floor
Arlington, VA 22201-4714

In re Application of	:	
BLAKE et al	:	DECISION ON
Application No.: 09/367,261	:	
PCT No.: PCT/GB98/00461	:	PETITION
Int. Filing Date: 13 February 1998	:	
Priority Date: 13 February 1997	:	UNDER 37 CFR 1.181, 1.47(a)
Attorney's Docket No.: 39-187	:	
For: DRUG TARGETING	:	and 1.137(b)

This decision is in response to the "fax transmission- Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137(b)" faxed on 01 November 2001 which is also being treated as a petition under 37 CFR 1.181, requesting that a date of 10 August 2001 be accorded to the 37 CFR 1.137(b) petition and the executed declaration as the date of deposit with the USPTO.

BACKGROUND

In a decision from this Office on 10 August 2001, the petition filed under 37 CFR 1.47(a) on 28 February 2000 was dismissed. The decision indicated that the forms submitted did not satisfy the requirements of section 409.03(d) because a complete copy of the application did not appear to have been mailed to the nonsigning inventors for reviewing and signing. In addition, the declaration section of the Legal Representative of Ged Adams(his wife) should have had the same block layout as the inventor's section and it must have provided the following information of Mrs. Adams' (legal representative): residence(city), country, post office address, and zip code.

On 27 September 2001, the DO/EO/US mailed a "NOTIFICATION OF ABANDONMENT," which indicated that applicant had failed to respond to the decision mailed June 12, 2000; accordingly the application was abandoned.

In response to the "NOTIFICATION OF ABANDONMENT" mailed 27 September 2001, petitioner alleges that a Petition for Revival of an Application Abandoned Unintentionally under 37 CFR 1.137(b) and an executed declaration was filed on 10 August 2001.

On 27 July 2001, petitioner submitted the instant facsimile, which included copies of the papers filed on 10 August 2001. In support of the request, petitioner has provided a copy of the returned/stamped receipt card acknowledging a receipt date of 10 August 2001.

I. PETITION UNDER 37 CFR 1.181

The postcard lists the items submitted on 10 August 2001.

MPEP 503 provides:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

Applicant's postcard is accepted as *prima facie* that an executed declaration (14 pages) and a Petition for Revival of an Application for Patent Abandoned Unintentionally were deposited with the Patent and Trademark Office on 10 August 2001.

The petition under 37 CFR 1.181 is **GRANTED**.

II. PETITION UNDER 37 CFR 1.47(a)

The petition states that after the prior petition under 37 CFR 1.47(a) was filed 28 February 2000, "circumstances surrounding this case have changed such that all of the inventors have signed the declaration. Copies of the declaration executed by all of the inventors are submitted herewith"

Accordingly, the declaration submitted on 10 August 2001 complies with 37 CFR 1.497(a) and (b).

The petition under 37 CFR 1.47(a) is **MOOT**.

III. PETITION UNDER 37 CFR 1.137(b)

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided: (1) the proper reply by submitting an executed declaration, (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3) and, (4) under 37 CFR 1.137(b). Further, a review of the application reveals that the requirements under 35 U.S.C. 371 for entry into the national stage in the US have been satisfied.

The petition under 37 CFR 1.137(b) is GRANTED.

DECISION

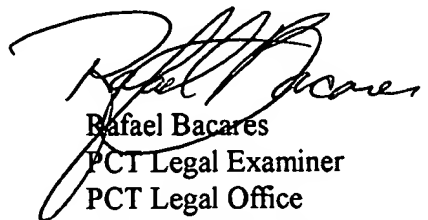
The petition under 37 CFR 1.181 is GRANTED.

The petition under 37 CFR 1.137(b) is GRANTED.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing, including according the application a 35 U.S.C. 371 date of 10 August 2001.



Leonard E. Smith
PCT Legal Examiner
PCT Legal Office



Rafael Bacares
PCT Legal Examiner
PCT Legal Office
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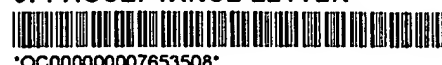
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/367,261	David Blake	39-187
INTERNATIONAL APPLICATION NO.		
PCT/GB98/00461		
IA. FILING DATE	PRIORITY DATE	
02/13/1998		

Nixon & Vanderhye
8th Floor
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CONFIRMATION NO. 4136

371 ACCEPTANCE LETTER



OC000000007653508

Date Mailed: 03/28/2002

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.494 OR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as an Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>08/10/2001</u>	<u>08/10/2001</u>
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF RECEIPT OF ALL 35 U.S.C. REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- U.S. Basic National Fee
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

ANITA D JOHNSON
Telephone: (703) 305-3661

PART 3 - OFFICE COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)